

Remarks

Applicants wish to thank the Examiner for courtesies extended during a telephone conversation on May __, 2004 regarding the fax-filing of this Preliminary Amendment. Applicants now cancel claim 2, without prejudice or disclaimer, and amend independent claim 1 as well as dependent claims 3, 4, 6, 7, 11, 14, 17-25, 29-40, and 42-43. The amendments are supported in the original application and introduce no new matter.

Specifically, claim 1 is amended to recite “using electrophoresis followed by a mass spectroscopy platform system; the use of representative patterns “to identify said phenotypic state with a disposable device;” and “selling said disposable device.””

The use of electrophoresis followed by mass spectroscopy finds support throughout the specification, including, for example, at page 13, paragraph 0050, describing electrophoresis separation, as well as at page 16, paragraph 0059, which provides “[o]nce prepared and separated, the polypeptides are automatically delivered to a detection device ... such as a mass spectrometer.”

Identification of phenotypic state with a disposable device finds support, for example, at page 19 that provides tools “to identify subtle differences between phenotypic states” (paragraph 0073) and the use of “a disposable device” (paragraph 0076). Further, “selling said disposable device” finds support, for example, at page 7, paragraph 0024, which provides for “the sale of disposable ... devices.”

Claim 1 is further amended to recite “that use” instead of “using” and to reposition the phrase “wherein said patterns contain more than 15 marker that are represented on output of said mass spectrometer, but the identity of at least some of said more than 15 markers is not known.” Each of claims 3, 4, 6, 7, 14, 17-25, 29-40 and 42-43 is amended to merely remove dependency from cancelled claim 2, and claim 11 is amended to correct the spelling of the word “phenotype.”

Conclusion

With the entry of these amendments, claims 1 and 3-43 are pending. Applicants earnestly believe that they are entitled to a letters patent, and respectfully request timely allowance of the now pending claims. Should the Examiner have any questions, Applicants encourage the Examiner to telephone the undersigned at the number provided below.

Please grant any extensions of time required to enter this response. Also, please charge any required fees due in connection with this submission, including petition and extension of time fees, and credit any overpayments, to Deposit Account No. 23-2415 (Attorney Docket No. 30260-707).

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Respectfully submitted,

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